

Introduced by Senator BowenFebruary 23, 2006

An act to amend Section 108680 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1532, as introduced, Bowen. Household substances: packaging.

Existing law regulates the packaging and labeling of household substances, as defined. Existing law defines a "package," for purposes of those provisions, to mean the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, and, for purposes of household substances, to mean any outer container or wrapping used in the retail display of any such substance to consumers.

This bill would revise that definition of "package" to also include any empty container that is designed to contain any household substance for consumption, use, or storage by any individual in or about the household.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 108680 of the Health and Safety Code
- 2 is amended to read:
- 3 108680. Unless the provisions or the context otherwise
- 4 requires, these definitions, rules of construction, and general
- 5 provisions shall govern the construction of this chapter. As used
- 6 in this chapter:
- 7 (a) "Department" means the State Department of Health.

(b) “Household substance” means any substance that is customarily produced or distributed for sale for consumption or use, or customarily stored by individuals in or about the household and is one of the following:

(1) A hazardous substance as that term is defined in Section 108125.

(2) A food, drug, or cosmetic, as those terms are defined in Sections 109900, 109925, and 109935, that (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is a strong sensitizer, (v) is flammable or combustible, or (vi) generates pressure through decomposition, heat, or other means; if it may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

(3) A substance intended for use as fuel when stored in a portable container and used in the heating, cooking, or refrigeration system of a residential dwelling.

(c) (1) “Package” means *either of the following*:

(A) *The immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, and, for purposes of household substances, also means any outer container or wrapping used in the retail display of any such substance to consumers.*

~~“Package”~~

(B) *Any empty container that is designed to contain any household substance for consumption, use, or storage by any individual in or about the household.*

(2) *Package* does not include the following:

~~(1)~~

(A) Any shipping container or wrapping used solely for the transportation of any household substance in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof.

~~(2)~~

(B) Any shipping container or outer wrapping used by retailers to ship or deliver any household substance to consumers unless it is the only container or wrapping.

(d) “Special packaging” means packaging that is designed or constructed to be significantly difficult for children under five

1 years of age to open or obtain a toxic or harmful amount of the
2 substance contained therein within a reasonable time and not
3 difficult for normal adults to use properly, but does not mean
4 packaging that all such children cannot open or obtain a toxic or
5 harmful amount of within a reasonable time.

6 (e) “Labeling” means all labels and other written, printed, or
7 graphic matter upon any household substance or its package, or
8 accompanying the substance.

9 (f) “Federal act” means the “Poison Prevention Packaging Act
10 of 1970” (15 U.S.C. Sec. 1471 et seq.).